

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p>Title: SEALED & EXPUNGED RECORDS - FIELD</p>		<p style="text-align: right;">Page 1 of 4</p>									
<p>Chapter: Management Information Systems</p>	<p style="text-align: center;"># 254.05</p>	<p>Supersedes #254.05 (dated 06/03/2013)</p>										
<p>Attachments, Forms & Companion Documents:</p> <p>1. All attachments, forms, and companion documents are available on the DOC's website.</p>												
<p>Local Procedure(s) Required: No. Applicability: All staff (including contractors and volunteers) Security Level: "B" – Anyone may have access to this document.</p>												
<p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;">SIGNED</td> <td style="width: 33%; text-align: center;">3-16-16</td> <td style="width: 33%; text-align: center;">3-31-16</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">Lisa Menard, Commissioner</td> <td style="text-align: center;">Date Signed</td> <td style="text-align: center;">Date Effective</td> </tr> </table>				SIGNED	3-16-16	3-31-16	_____	_____	_____	Lisa Menard, Commissioner	Date Signed	Date Effective
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PURPOSE

The purpose of this Administrative Directive is to provide guidelines to Vermont Department of Corrections (DOC) field staff for managing court orders to seal or expunge records of offenders under supervision of the DOC. DOC staff will follow the guidelines outlined in this Administrative Directive unless the court issues specific guidelines on the court order.

POLICY

It is the policy of the Department of Corrections to comply with court orders to seal or expunge records of offenders under supervision of the DOC.

AUTHORITY

28 V.S.A. § 101(3); 13 V.S.A. §§ 7601-7608.

REFERENCE

DOC Administrative Directives #429.01, *Youthful Offender Status*; #430.10 *Risk Management Supervision*; Interim Procedure - *Response Supervision Contact Standards – Field*.

PROCEDURAL GUIDELINES

A. Index of Sealed Records

1. The Site Legal Administrator or designee, for each field Probation & Parole office will maintain an index (electronic list) of sealed records. The index will contain:
 - i. The name and date of birth of the individual whose records have been sealed;
 - ii. The docket number;
 - iii. The offender PID number; and
 - iv. The date of the sealing.

NOTE: An index shall not be kept for expunged records.

2. The index shall be kept confidential. The index will be accessed only to facilitate a request to seal or unseal a record. Only the following individuals may request to access the index:
 - i. The DOC Commissioner or Deputy Commissioner, or designee;
 - ii. An Assistant Attorney General;
 - iii. The Site Legal Administrator or designee charged with keeping the index;
 - iv. District Managers;
 - v. IT Manager;
 - vi. Offender Management System (OMS) Database Administrator
3. The index will be stored electronically in a shared drive on the computer system with access limited to allow for compliance monitoring.
4. Staff must respond to any inquiry from any persons regarding an expunged or sealed record by stating, "No record exists."

B. Managing Electronic Records

1. For offenders with no corrections history outside of the dockets associated with the order to seal or expunge records:
 - i. The Site Legal Administrator, or designee, where the offender was last supervised will click the delete record button in the offender's record in the OMS, which will give the option to seal or expunge the case.
2. For offenders who have previous or additional dockets outside of the dockets associated with the order to seal or expunge records:
 - i. The Site Legal Administrator, or designee, where the offender was last supervised will:

- 1) Remove records related to the docket ordered to be sealed or expunged from the OMS. This will include but is not limited to:
 - a. Charges information specific to the dockets on the court order;
 - b. Sentence information.
 - 2) Complete the *Request to Seal or Expunge Records* and upload it to the Secure File Transfer Protocol (SFTP folder) requesting that the information cited on the form be removed.
 - 3) Delete the local electronic file of the form once it has been placed in the SFTP folder.
 - 4) Submit a LanDesk ticket stating that a *Request to Seal or Expunge Records* form was placed in the SFTP folder. The ticket should not include any detailed information about the actual records to be sealed or expunged.
- ii. The OMS Database Administrator, or designee, will:
- 1) Remove records related to the docket ordered to be sealed or expunged from the OMS.
 - 2) Verify with the Site Legal Administrator that the information has been removed.
 - 3) Delete the *Request to Seal or Expunge Records Form* from the SFTP folder.
3. At no time will DOC or IT staff communicate with each other concerning sealing or expunging records through email. If additional information is needed to successfully expunge records OMS Database Administrator, or designee, will contact the requesting site via telephone or in person.

C. Managing the Core File

1. For orders to expunge records: The Site Legal Administrator, or designee, at the site where the offender was last supervised, will shred all documents related to the order.
2. For orders to seal records: The Site Legal Administrator, or designee, at the site where the offender was last supervised, will mail the core file and any paperwork pertaining to the order to the Director of Policy Development and Due Process, where the file will be stored.

D. Managing Financial Records

1. When an order to seal or expunge records is received, the Site Legal Administrator or designee will complete a *Financial Transaction Request* to have the offender's financial records sealed or expunged. Once the records have been sealed or expunged, the *Financial Transaction Request* will be shredded.

E. Request to Unseal a Record

1. Sealed records will only be accessed when a court has ordered the record to be unsealed.
2. Other parties may have standing to move the court to unseal records, but will not have access to the records unless a court order unseals the records.
3. If the court grants permission for the DOC to inspect the sealed records, the records shall be unsealed. The Site Legal Administrator shall document any inspection of any sealed records in contact notes.
4. To unseal a record, in whole or in part, the Site Legal Administrator will unseal the record in the OMS.

IMPLEMENTATION

The District Managers will ensure that all staff members under their supervision are trained on their responsibilities, if any, related to this administrative directive.

QUALITY ASSURANCE

1. All District Managers are responsible to ensure staff members comply with this administrative directive to ensure that sealed and expunged records are maintained properly.
2. The Central Financial Director is responsible to ensure that staff under his/her supervision comply with this administrative directive.